

Application Serial No. 10/701,984
Filing Date: November 6, 2003

Docket No. 73054.010400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark C. Metzger
App. Serial No. : 10/701,894
Filing Date : November 6, 2003
Title : APPARATUS AND METHOD FOR BAGGING ICE
Docket No. : 73054.010400

**DECLARATION OF PETER JON GLUCK IN SUPPORT OF
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2450 Colorado Avenue, Suite 400E
Santa Monica, California 90404

Commissioner:

I, Peter Gluck, declare that the following information is true and correct and of my own personal knowledge, and if called upon as a witness I could and would testify as to the validity of the following:

1. I am a patent attorney employed with the law offices of Greenberg Traurig, LLP ("GT").
2. On or about March 11, 2005 we received a copy of a Notice of Abandonment mailed March 7, 2005 in U.S. Patent Application Serial No. 10/701,984 filed November 6, 2003.
3. Our factual investigation indicates that applicant was the inventor of an apparatus that was filed by another, and that he wishes to contest inventorship, partly by way of an Interference Request.
4. Since applicant was not timely apprised of the other filing, he filed his own case, namely, U.S. Patent Application Serial No. 10/701,984.
5. While applicant explores intervening in the prior case, applicant wishes to preserve his rights.

cc:fr1/gjgluckp/22211 v01/73054.010200

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6. For this reason, it is respectfully submitted that the missed Response to Office Action was unavoidable and it is believed that to be eligible for reinstatement with the required Petition and Fee in which this is submitted in support of.

The statements made in this declaration are of my own personal knowledge, except those based on information and belief, and as to those statements, I believe them to be true. This declaration is made under penalty of perjury under the laws of the United States of America, on March 28, 2005, at Costa Mesa, California.


Peter J. Gluck